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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/564,296

01/10/2006

Philip Steven Newton

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

TEKLE, DANIEL T

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/564,296	<b>Applicant(s)</b> NEWTON ET AL.	
	<b>Examiner</b> DANIEL TEKLE	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed May 21, 2005 have been fully considered but they are not persuasive.

Applicant argues on page 8 1<sup>st</sup> paragraph of the remark that Swenson et al. did not disclose the claim limitation and on page 8 2nd paragraph of the remark, "Swenson et al. merely discloses receiving a source signal having associated time information (col. 5, lines 44-51), and using that time information to determine and store a stop position. However, Swenson et al. generating a recorded signal having a recording discontinuity, nor generating second time information for the recorded signal in response to the first time information and the recording discontinuity".

In response the examiner respectfully disagrees. The remark did not clearly show difference between the claimed limitation and cited column and lines in the reference.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-16 rejected under 35 U.S.C. 102(e) as being anticipated by Swenson et al. (US 6,064,380).

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**Regarding Claim 1:** Swenson et al. discloses an apparatus for recording comprising: means for receiving a source signal having associated first play time information; means for generating a recorded signal from the source signal; the recorded signal comprising a recording discontinuity with respect to the source signal; and means for generating second time information for the recorded signal in response to the first play time information and the recording discontinuity (**column 4 line 62 to column 5 line 24**).

**Regarding Claim 2:** Swenson et al. discloses apparatus for recording as claimed in claim 1 wherein the second time information comprises markers indicating events in the recorded signal (**column 4 line 62 to column 5 line 24**).

**Regarding Claim 3:** Swenson et al. discloses apparatus for recording as claimed in claim 2 wherein the second time information comprises a play list comprising the markers (**column 4 line 62 to column 5 line 24**).

**Regarding Claim 4:** Swenson et al. discloses apparatus for recording as claimed in claim 1 wherein the second time information comprises event descriptors (**column 4 line 62 to column 5 line 24**).

**Regarding Claim 5:** Swenson et al. discloses apparatus for recording as claimed in claim 4 wherein the means for generating the second time information is operable to generate time information of the event descriptors by modifying time information of event descriptors associated with the source signal (**column 4 line 62 to column 5 line 24 and fig. 4**).

**Regarding Claim 6:** Swenson et al. discloses apparatus for recording as claimed in claim 5 wherein the means for generating the second time information is operable to generate the time information of the event descriptors by compensating the time information of event descriptors associated with the source signal by a time gap associated with the recording discontinuity **(column 4 line 62 to column 5 line 24)**.

**Regarding Claim 7:** Swenson et al. discloses apparatus for recording as claimed in claim 5 wherein time information of the event descriptors comprise relative time information associated with a play time line **(column 4 line 62 to column 5 line 24)**.

**Regarding Claim 8:** Swenson et al. discloses apparatus for recording as claimed in claim 5 further comprising means for extracting the event descriptors associated with the source signal from a transport signal comprising the source signal **(column 4 line 62 to column 5 line 24)**.

**Regarding Claim 9:** Swenson et al. discloses apparatus for recording as claimed in claim 4 wherein the event descriptor comprises a stream event comprising information for triggering an application **(column 4 line 62 to column 5 line 24)**.

**Regarding Claim 10:** Swenson et al. discloses apparatus for recording as claimed in claim 1 wherein the first play time information comprises a first play time line and the means for generating the second time information is operable to generate a non-continuous play time line associated with the recorded signal and having a time discontinuity corresponding to the recording discontinuity **(column 4 line 62 to column 5 line 24)**.

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**Regarding Claim 11:** Swenson et al. discloses apparatus for recording as claimed in claim 1 wherein the source signal and the recorded signal comprise Multimedia Home Platform (MHP) data (**column 4 line 62 to column 5 line 24**).

**Regarding Claim 12:** Swenson et al. discloses apparatus for recording as claimed in claim 1 wherein the source signal and the recorded signal comprise Digital Video Broadcast (DVB) data (**column 4 line 62 to column 5 line 24**).

**Regarding Claim 13-16:** Claim 13-16 are rejected for the same subject matter as claim 1 discussed above.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-

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1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00  
Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621

/Daniel Tekle/  
Examiner, Art Unit 2621